## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UNITED STATES OF AMERICA ) |  |  |  |  |  |  |
|----------------------------|--|--|--|--|--|--|
|                            | Plaintiff,   | ) 8:05CR145<br>)   |  |  |  |  |
|                            | vs.  | ) DETENTION ORDER  |  |  |  |  |
| JU                         | AN RANGEL-SORIA,   |  |  |  |  |  |
|                            | Defendant.   | <b>)</b>   |  |  |  |  |
| Α.                         | Order For Detention After waiving a detention hearing pursuant to on April 27, 2005, the Court orders the above U.S.C. § 3142(e) and (i).  |  |  |  |  |  |
| B.                         | Statement Of Reasons For The Detention The Court orders the defendant's detention by a preponderance of the evidence the will reasonably assure the appearance of the evidence that will reasonably assure the safety of an  | because it finds: nat no condition or combination of conditions be of the defendant as required. t no condition or combination of conditions   |  |  |  |  |
| C.                         | methamphetamine (Count minimum sentence of ten imprisonment; and the u methamphetamine (Count carries a minimum sent maximum of forty years in maxim | r offense charged: It to distribute in excess of 500 grams of the tribution of 21 U.S.C. § 846 carries a years imprisonment and a maximum of life se distribution of more than 50 grams of the tribution of 21 U.S.C. § 841(a)(1) thence of five years imprisonment and a apprisonment.  It is the defendant is high. It is the defendant including:  It is the defendant is high. It is the defendant including:  It is the defendant including i |  |  |  |  |

## DETENTION ORDER - Page 2

|          |             |     |             | The defendant has a prior record of failure to appear at court          |
|----------|-------------|-----|-------------|---|
|          |             |     | /L- \       | proceedings.  |
|          |             |     | (b)         | At the time of the current arrest, the defendant was on:                |
|          |             |     |             | Probation   |
|          |             |     |             | Parole  |
|          |             |     |             | Release pending trial, sentence, appeal or completion of                |
|          |             |     | <b>/</b> -\ | sentence.   |
|          |             |     | (C)         | Other Factors:  |
|          |             |     |             | The defendant is an illegal alien and is subject to deportation         |
|          |             |     |             | The defendant is a legal alien and will be subject to deportation       |
|          |             |     |             | if convicted.   |
|          |             |     |             | The Bureau of Immigration and Custom Enforcement (BICE)                 |
|          |             |     |             | has placed a detainer with the U.S. Marshal.                            |
| V        | (4)         |     |             | Other:  |
| <u>X</u> | (4)         |     |             | ature and seriousness of the danger posed by the defendant's release    |
|          |             | are | as          | follows: The nature of the charges in the Indictment.                   |
|          | <b>/-</b> \ | _   |             |   |
| <u>X</u> | (5)         |     |             | table Presumptions  |
|          |             |     |             | rmining that the defendant should be detained, the Court also relied on |
|          |             |     |             | lowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)       |
|          |             |     |             | the Court finds the defendant has not rebutted:                         |
|          | <u>X</u>    | _   | (a)         | That no condition or combination of conditions will reasonably assure   |
|          |             |     |             | the appearance of the defendant as required and the safety of any       |
|          |             |     |             | other person and the community because the Court finds that the crime   |
|          |             |     |             | involves:   |
|          |             |     |             | (1) A crime of violence; or   |
|          |             |     |             | X (2) An offense for which the maximum penalty is life                  |
|          |             |     |             | imprisonment or death; or   |
|          |             |     |             | X (3) A controlled substance violation which has a maximum              |
|          |             |     |             | penalty of 10 years or more; or   |
|          |             |     |             | (4) A felony after the defendant had been convicted of two or           |
|          |             |     |             | more prior offenses described in (1) through (3) above, and             |
|          |             |     |             | the defendant has a prior conviction for one of the crimes              |
|          |             |     |             | mentioned in (1) through (3) above which is less than five              |
|          |             |     |             | years old and which was committed while the defendant was               |
|          |             |     |             | on pretrial release.  |
|          | <u>X</u>    |     | (b)         | That no condition or combination of conditions will reasonably assure   |
|          |             |     |             | the appearance of the defendant as required and the safety of the       |
|          |             |     |             | community because the Court finds that there is probable cause to       |
|          |             |     |             | believe:  |
|          |             |     |             | X (1) That the defendant has committed a controlled                     |
|          |             |     |             | substance violation which has a maximum penalty of 10                   |
|          |             |     |             | years or more.  |
|          |             |     |             | (2) That the defendant has committed an offense under 18                |
|          |             |     |             | U.S.C. § 924(c) (uses or carries a firearm during and in                |
|          |             |     |             | relation to any crime of violence, including a crime of                 |
|          |             |     |             | violence, which provides for an enhanced punishment if                  |
|          |             |     |             | committed by the use of a deadly or dangerous weapon or                 |
|          |             |     |             | device).  |

## DETENTION ORDER - Page 3

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 28, 2005. BY THE COURT:

> s/Thomas D. Thalken United States Magistrate Judge